

REMARKS

The Examiner is thanked for the clearly stated action. This communication is filed in response to the Office Action having a mailing date of January 5, 2010, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire April 5, 2010 . Nineteen (19) claims, including three (3) independent claims, were paid for in the application. No claims are currently amended. No new matter has been added to the application, and all claims are believed in condition for allowance. No fee for additional claims is due by way of this Amendment. Upon entry of the amendments herewith, claims 1-19 remain pending.

I. Request for Telephone Interview

In the event that after entering the present response any outstanding issues remain that would prevent an indication of allowance of all claims, the attorney of record Thomas J. Satagaj believes that agreement could be reached during a telephone interview. Mr. Satagaj would answer any questions that the Examiner may have and further discuss the presented packet retransmission technology in order to reach agreement. At the Examiner's convenience, a telephone call to Mr. Satagaj at 206-622-4900 is respectfully encouraged.

II. Discussion of the claims and cited references

The present Office Action rejects claims 1-19.

Claims 1-3 and 6-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Daines** (U.S. Patent No. 6,192,422) hereinafter *Daines* and **Szymanski** (U.S. Patent No. 6,851,086) hereinafter *Szymanski* in view of **Yoruzu** (U.S. Patent No. 4,722,054) hereinafter *Yoruzu*.

Claims 10 and 15-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Diepstraten** (U.S. Patent No. 5,339,316) in view of **Yoruzu**.

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over **Diepstraten**, **Daines**, and **Yoruzu** in view of **Gu** (U.S. Patent No. 6,845,089) hereinafter *Gu*.

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Diepstraten*, *Daines*, and *Yoruzu* in view of *Early* (U.S. Patent Publication No. 2005/0241710) hereinafter *Early*.

Claims 11-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Diepstraten*, *Daines*, and *Yoruzu* in view of *Szymanski*.

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daines*, *Szymanski*, and *Yoruzu* in view of *Gu*.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daines*, *Szymanski*, and *Yoruzu* in view of *Early*.

Claims 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daines*, *Szymanski*, and *Yoruzu* in view of *Diepstraten*.

For the reasons set forth below, these rejections are respectfully traversed. It is therefore kindly requested that the rejections be reconsidered and withdrawn.

III. Acknowledgement of the Persuasiveness of Previous Remarks

Acknowledgement is made of the Examiner's indication that remarks made in a previous communication are persuasive. In particular, it is acknowledged that:

The *Daines* reference does not teach "initiating retransmission of the data packet onto the network by the at least one repeater node;"

The *Daines* reference does not teach "retransmit a stored packet from a repeater node in response to receiving a NACK signal from a receiver;"

The cited references do not teach "a pending packet buffer to store copies of the forwarded data packets;"

The cited references do not teach "retransmission ... by transmitting the stored copies of these data packets;" and

The *Gu* reference does not teach "the transmitter does not listen for NACK signals relating to its own transmitted data packets."

The Office Action, however, indicates that the newly cited references teach each of these missing limitations. It is not agreed that the newly cited references teach each of these missing limitations as discussed below.

IV. Rejections under 35 U.S.C. § 103

Respectful disagreement is made with the above rejections. It is believed that the present independent claims are clearly patentable and that all dependent claims are also patentable.

a. Independent Claim 1; Initiating Retransmission ... Onto the Network

Independent claim 1 recites, *inter alia*, “initiating retransmission of the data packet onto the network by the at least one repeater node.” The network of claim 1 is clearly limited to being both “wireless” and having “multiple paths.”

The cited references do not perform the act of “initiating retransmission of the data packet onto the network” of claim 1. According to claim 1, the data packet is transmitted onto multiple paths of a wireless network by a transmitter, at least one of the paths including a repeater. The data packet is stored in the repeater and forwarded onto at least one of the multiple paths of the wireless network by the repeater. Then, in the event of a communication failure, the repeater retransmits its stored copy back onto at least one of the multiple paths of the wireless network. It is respectfully asserted that neither *Daines* nor *Szymanski* nor *Yoruzu* teach the repeater of claim 1.

As established in previous communications, neither *Szymanski* nor *Daines* teaches the repeater of claim 1. Now, in the present Office Action, *Yoruzu* is relied upon to supply this step. In particular, Col. 8, Line 62 – Col. 9, Line 10 of *Yoruzu* is identified. The statements of *Yoruzu*, however, relied upon by the Office Action do not teach the repeater node of claim 1 for at least the reason that *Yoruzu* operates only on a wired point-to-point system, not a multi-path wireless network.

The *Yoruzu* system has a portable user input device 10, but no communications are made when *Yoruzu*’s input device 10 is untethered to a repeater 12. Instead, *Yoruzu* permits

his input device 10 to be unplugged (while remaining powered by a battery) for the convenience of a consumer inputting a personal identification number (PIN). See *Yoruzu* Col. 10, Lines 10-58. When the user has completed inputting a PIN, the input device 10 is physically coupled to *Yoruzu*'s repeater 12 wherein data stored in the input device 10 is communicated only to the repeater 12. The repeater 12 then passes information directly to the point-of-sale terminal 14. *Id.*

The repeater 12 of *Yoruzu* is identified as teaching the “initiating retransmission” element of claim 1. The repeater 12 is either cabled to a single point-of-sale terminal 14 or it is a part of point-of-sale terminal 14. See *Yoruzu* at Col. 9, Lines 52-55. If the repeater 12 is part of the part of point-of-sale terminal 14, then presumably, no communications or repeating functions between the repeater 12 and the point-of-sale terminal 14 are necessary. On the other hand, if the repeater 12 is cabled to the point-of-sale terminal 14, then there is clearly no wireless communication. In addition, the communications between *Yoruzu*'s repeater 12 and his point-of-sale terminal 14 do not occur over a “network” as recited in claim 1. That is, *Yoruzu*'s communications are only point-to-point. There is no disclosure, teaching, or suggestion that any communications in *Yoruzu* are capable of being performed on “at least one of the paths” of a network having “multiple paths.” Accordingly, for at least the reason that *Yoruzu*'s repeater 12 is always tethered to its point-of-sale terminal 14, and incapable of performing any transmissions onto a wireless network, claim 1 is in condition for allowance.

b. Independent Claims 10 and 15

Independent claim 10 as presented herewith recites, *inter alia*, “a retransmission control circuit to initiate retransmission over the network.” Independent claim 15 as presented herewith also, *inter alia*, “a retransmission control circuit to initiate retransmission, over the network.” It is respectfully submitted that claims 10 and 15 are allowable over the references relied upon by the present Office Action for rejection.

Although the claim language of each of independent claims 10 and 15 stands alone, and each of the independent claims is limited only by its own limitations recited therein, it is to be appreciated that the remarks made above with respect to claim 1 and with regard to

wireless networks may be suitably applied to claims 10 and 15. Accordingly, independent claims 10 and 15 are in condition for allowance.

V. Dependent Claims in General

Each dependent claim inherits the limitations of its respective base claim and all intervening claims. Therefore, allowance of the respective base claim compels allowance of all dependent claims. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, all dependent claims, including those that were referenced in the Office Action and not specifically referenced in the present response, are allowable for at least reasons of their respective base claims, and the rejections should be withdrawn.

VI. Conclusion

It is believed that the present independent claims are clearly patentable and that all dependent claims are also patentable. If the attorney of record (Thomas J. Satagaj) has overlooked a teaching in any of the cited references that is relevant to the patentability of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact Mr. Satagaj at (206) 622-4900.

Application No. 10/564,423
Reply to Office Action dated January 5, 2010

The Director is authorized to charge any additional fees due by way of this Amendment only, or credit any overpayment, to our Deposit Account No. 19-1090. Reconsideration of the present application in view of the foregoing amendments and remarks is respectfully requested. A Notice of Allowance is earnestly solicited.

Respectfully submitted,
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